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DATE FILED: 09/18/2020

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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CHANG YAN CHEN,  
*On behalf of himself and others similarly situated*

*Plaintiff,*

-against-

LILIS 200 WEST 57TH CORP. d/b/a Lili's 57 Asian  
Cuisine & Sushi Bar,  
BAUMGART'S NEXT DOOR INC. d/b/a Baumgart's  
Café,  
792 RESTAURANT FOOD CORP. d/b/a Lilli and  
Loo,  
ALAN PHILLIPS,  
JONAH PHILLIPS,  
THEAN CHOO CHONG a/k/a Alfred Chong,  
SIEW MOY LOW a/k/a Maggie Low,  
STEW M. LOW,  
EPHAN "DOE", and  
"MIGI" DOE,

*Defendants.*

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7654  
Index No. 19-cv-~~7564~~ (VEC)

**NOTICE OF MOTION  
TO DISMISS**

**PLEASE TAKE NOTICE**, that upon the annexed Joshua S. Androphy, Esq., and upon the annexed Memorandum of Law, defendants Lilli's 200 West 57<sup>th</sup> Corp., Thean Choo Chong, Ephan "Doe," "Migi" Doe, Baumgart's Next Door, Inc., Siew Mow Low, 792 Restaurant Food Corp., and Stew M. Low (the "Moving Defendants"), by and through their undersigned attorneys Morrison Tenenbaum PLLC, hereby move for entry of an order pursuant Fed. R. Civ. P. 12(b)(6) to dismiss (1) all claims against Baumgart's Next Door Inc. and (2) the New Jersey Wage and Hour Law ("NJWHL") claims, Counts III and VI, of the second amended complaint against the Moving Defendants.

**PLEASE TAKE FURTHER NOTICE**, that any responses or objections to the Motion must be in writing, shall conform to the Federal Rules of Civil Procedure and the Local

Rules of the District Court, and pursuant to Fed. R. Civ. P. 6(c)(1)(C) and Local Civil Rule 6.1:

Plaintiff shall file his response to the Motion, within 14 days of service of the motion, by

September 30, 2020.

Dated: New York, New York  
September 16, 2020

**MORRISON TENENBAUM PLLC**

By: /s/ Joshua S. Androphy  
Lawrence F. Morrison  
Joshua S. Androphy  
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Attorneys for Moving Defendants

Plaintiff's response to Defendants' motion is due  
not later than **October 2, 2020**. Defendants' reply  
is due not later than **October 9, 2020**.

SO ORDERED.

 09/18/2020

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE